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In re Application of
KUKINO *et al*
Application No.: 10/584,515
PCT No.: PCT/JP04/19228
Int. Filing Date: 22 December 2004
Priority Date: 24 December 2003
Attorney Docket No.: 81880.0149
For: CERAMIC HEATER AND METHOD
FOR MAKING THE SAME

DECISION

This decision is in response to the reply filed 25 October 2007 which is treated as a petition under 37 CFR 1.182 to change the name of an inventor.

BACKGROUND

On 27 April 2007, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) must be provided. Applicants were given two months to respond with extensions of time available pursuant to 37 CFR 1.136(a).

On 15 May 2007, applicants filed an executed declaration and surcharge fee. The name of the second inventor was listed as Hideaki YOSHIDOME on the declaration. However, the surname was listed as SHIMOZURU on the international publication.

On 27 August 2007, a Notification of Defective Response (Form PCT/DO/EO/916) was mailed stating that the declaration was not in compliance with 37 CFR 1.497(a) and (b) as the last name on the declaration was different from the name listed on the international publication. Applicants were given one month, or any time remaining in the Form PCT/DO/EO/905 mailed 27 April 2007 to respond, whichever was longer.

On 25 October 2007, applicants filed the subject response which was accompanied by, *inter alia*, a four-month extension and fee, a declaration of Hideaki Yoshidome and authorization to charge any required fee to Deposit Account No. 50-1314.

DISCUSSION

Section 605.04(c), *Inventor Changes Name*, of the Manual of Patent Examining Procedures (MPEP) states, in part:

The petition must include an appropriate petition fee and an affidavit signed by the inventor setting forth both names **and the procedure whereby the change of name was effected**, or a certified copy of the court order.

Applicants' response is treated as a petition to change the name of the inventor. The \$400.00 petition fee has been charged to Deposit Account No. 50-1314 as authorized.

In the response filed 25 October 2007, applicants submitted a declaration by the inventor who claims that "[a]s a child I was adopted into the Shimozuru family. At that time my name was Hideaki Shimozuru. In April 2005, the adoption was dissolved. I am presently using my primary family last name which is Yoshidome." This explanation is not sufficient.

Applicants must explain the procedure of how his last name reverted back to his primary family name. It is unclear what the term "adoption was dissolved" means in Japanese law and what the legal ramifications are. A further explanation is required. Documentary evidence may be required.

CONCLUSION

For the reason discussed above, applicants' petition under 37 CFR 1.182 is **DISMISSED** without prejudice.

A proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely respond will result in the abandonment of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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